

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAMUEL M. ROBERTS,

Plaintiff,

vs.

LOS ALAMOS NATIONAL SECURITY, LLC, AWE,
PLC., MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Defendants,
Third-Party Plaintiffs,

vs.

UNIVERSITY OF ROCHESTER

Third-Party Defendant.

**AFFIDAVIT OF
STEVEN H. BATHA**

Civil No. 11 CV 6206L

STATE OF NEW MEXICO)
COUNTY OF LOS ALAMOS) ss:

Steven H. Batha, being duly sworn, deposes and states:

1. That he is a Senior Research Scientist at Los Alamos National Laboratory ("LANL") and is the Inertial Confinement Fusion Program Manager, including High Energy Density Experiments and Target Physics. That he has a Bachelor of Arts degree from Dartmouth College with honors in Physics; a Master of Science from the University of Rochester in Mechanical and Aero-Space Sciences from the Department of Mechanical Engineering; and a Ph.D. from the University of Rochester in Mechanical and Aero-Space Sciences from the Department of Mechanical Engineering.

2. That in 2007 and 2008, as a LANL scientist, he served on the Ignition Physics Sub-Committee of the LLE Facilities Advisory and Scheduling Committee ("FASC") at the

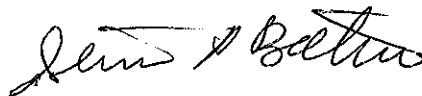
Laboratory for Laser Energetics ("LLE"), a University of Rochester Laboratory. That the duties of the Ignition Physics Sub-Committee consisted primarily of meeting with representatives of the Lawrence Livermore National Laboratory to discuss and determine what experiments or any general experimental campaigns would be recommended for conduct at the LLE during the next fiscal year following the date of the meeting. That Lawrence Livermore National Laboratory ("LLNL") and LANL would each provide a list of the physics experiments they proposed to conduct at the LLE and the sub-committee would discuss and recommend the allocation of the available time for their experiments. That the LLE was run as a user facility and that the LLE, in consultation with the National Nuclear Security Administration (Department of Energy of the United States Government), would ultimately determine how time would be allocated to either LLNL or LANL experiments because there were a limited number of days during the year when external users could conduct experiments and the requests would usually exceed the amount of available time.

3. That the Ignition Physics Sub-Committee had no involvement whatsoever in the review and approval of Shot Forms submitted in connection with proposed experiments. That those reviews were conducted solely by employees of the LLE.

4. That what the Ignition Physics Sub-Committee would do was review a graph which gave the list of proposed experiments. It would consider target design, potential diagnostics and the laser pulse shape. However, this committee and your deponent had absolutely nothing to do with the qualification of LLE diagnostics as instruments that complied with LLE safety requirements.

5. That the responsibility for determining whether an LLE owned diagnostic complied with the LLE safety requirements was the responsibility only of LLE personnel and the

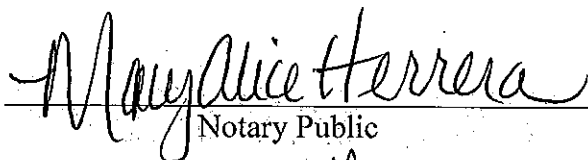
sub-committee had no involvement or responsibility for qualifying or evaluating the U of R's Light Pipe diagnostic. The sub-committee also had no role in reviewing or approving any Shot Request Form.



Steven H. Batha

STATE OF NEW MEXICO
COUNTY OF LOS ALAMOS

Signed and sworn to before me this 5th day of November, 2012,
by Steven H. Batha.



Mary Alice Herrera
Notary Public

Commission Expires: May 20, 2015